

AMENDED IN ASSEMBLY APRIL 16, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 828

Introduced by Assembly Member Lieu
(Coauthors: Assembly Members Huffman, Monning, Ruskin, and
Saldana)
(Coauthor: Senator DeSaulnier)

February 26, 2009

An act to amend Section 18930.5 of the Health and Safety Code, and to add Section 25402.11 to the Public Resources Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Lieu. Green building standards.

Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, energy conservation and water efficiency standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. Existing law requires the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

This bill would require the commission or any state agency proposing green building standards to seek the input of other state agencies and consult with representatives from specified groups, as prescribed. The bill would require any agency providing input to recommend to the commission or proposing agency whether the standard should be voluntary or mandatory. The bill would require that the green building standards adopted and approved by the commission be inserted into relevant parts of the California Building Standards Code. The bill would also authorize the State Energy Resources Conservation and Development Commission to develop and adopt voluntary energy efficiency standards, as described.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature that all of the
- 2 following occur:
- 3 (a) The Building Standards Commission should receive proposed
- 4 green building standards from other state agencies with expertise
- 5 in green building principles.
- 6 (b) Consistent with current practice, if another state agency or
- 7 department proposes building standards in its area of expertise,
- 8 the commission should guide the proposed standards through a
- 9 process for public and expert review before adopting them.
- 10 (c) If any technical modifications are necessary, the commission
- 11 should report back to the submitting agency on its reason for
- 12 altering a particular standard.
- 13 (d) The commission should develop green building standards
- 14 in an open-public process and provide ample opportunity for input
- 15 from all stakeholders.
- 16 SEC. 2. Section 18930.5 of the Health and Safety Code is
- 17 amended to read:
- 18 18930.5. (a) If no state agency has the authority or expertise
- 19 to propose green building standards applicable to a particular
- 20 occupancy, the commission shall adopt, approve, codify, update,
- 21 and publish green building standards for those occupancies.
- 22 (b) In developing green building standards, the commission or
- 23 any state agency proposing standards shall seek the input of other
- 24 state agencies including, but not limited to, all of the following:

- (1) The California Environmental Protection Agency.
- (2) The California Integrated Waste Management Board.
- (3) The State Air Resources Board.
- (4) The Department of Water Resources.
- (5) The Department of Toxic Substances Control.
- (6) The State Department of Public Health.
- (7) The Department of Transportation.

(c) If the commission or an agency that proposes green building standards receives input from another state agency and the input is consistent with the agency's mandate, the commission or the receiving agency shall consider, give great weight to, and respond in writing to, the input provided. A written response is intended to serve as an acknowledgment of the receipt and consideration of input and allow the public to track the development of green building standards.

(d) In developing green building standards, the commission or any state agency proposing the standards shall also consult with representatives from all of the following:

- (1) Environmental advocacy groups.
- (2) Interested local government and code enforcement entities.
- (3) The building construction and design industry.
- (4) Interested public parties.

(e) In addition to meeting the requirements of subdivision (b), the development of green building standards shall comply with the process described in Section 18930.

(f) An agency that provides input regarding green building standards, as described in subdivisions (b) and (c), shall recommend to the commission or agency proposing the standard whether the standard should be voluntary or mandatory. Voluntary standards shall exceed mandatory standards where such mandatory standards exist.

(g) The green building standards adopted or approved by the commission pursuant to this section shall, at a minimum, be inserted into the relevant part of the California Building Standards Code, where appropriate.

SEC. 3. Section 25402.11 is added to the Public Resources Code, to read:

25402.11. (a) ~~The commission~~ *State Energy Resources Conservation and Development Commission* may develop, adopt,

1 and submit to the ~~commission~~ *California Building Standards*
2 *Commission* voluntary energy efficiency standards.
3 (b) The voluntary standards specified in subdivision (a) shall
4 be considered green building standards for the purposes of Section
5 18930.5 of the Health and Safety Code and shall exceed the
6 mandatory standards adopted by the ~~commission~~ *State Energy*
7 *Resources Conservation and Development Commission* pursuant
8 to Section 25402.